

### Remarks

The foregoing amendments and following remarks are responsive to the Office Action mailed on 06/16/03. Support for the amendment can be found, inter alia, in Applicants' specification (specifically, Figs. 3 and 4).

Claims 1 - 43 are pending in this application. By the foregoing amendments and the following remarks, the referenced remaining pending claims are now believed to be in condition for allowance and are presented for examination. Accompanying this communication is a petition to extend the prosecution on this matter for two months and the appropriate fee.

### Discussion of the Office Action

In the Office Action of 06/16/03, the Examiner maintained the rejection of claims 1-5, 9-13, 15, 18, 19, 29-31, 33, and 34 as being obvious under 35 U.S.C. §103(a) over Simpson et al. and claims 6-8 as being obvious under 35 U.S.C. §103(a) over Simpson et al. in view of Zanzucchi et al.

### Claim Objections

Claims 14, 16, 17, and 35 are objected to by the examiner as being dependent upon a rejected base claim 1. In light of the amendment to claim 1, the objections to claims 14, 16, and 17, which depend on claim 1, and claim 35, which indirectly depends on claim 1, are rendered moot.

### Discussion of the rejection of claims 1-5, 9-13, 15, 18, 19, 29-31, 33, and 34 under 35 U.S.C. §103(a)

As set forth above, claims 1-5, 9-13, 15, 18, 19, 29-31, 33, and 34 stand rejected under 35 USC 103(a) as unpatentable over Simpson et al. The Examiner states that "Simpson et al. provide several sample wells so several different samples may be simultaneously analyzed. Duplicating parts for a multiplied effect has been held obvious...Surely, to singularize for a single effect is also obvious. If only one sample is

to be analyzed, only one sample well at a time would be provided.” Applicant respectfully traverses the rejection of claim 1 and dependent claims thereof, which contain the juxtaposed overlapping limitations of claim 1.

Claim 1 has been amended to include limitations of the array of at least two rows of sample wells being arranged adjacent to but not overlapping the anode and the array of waste wells being arranged along a common row and intermediate the at least two rows of sample wells and the cathode (see Applicant’s Fig. 3 and Fig. 4). Such an arrangement is not disclosed or suggested in Simpson et al.

Thus, this ground of rejection of Claim 1 under 35 U.S.C. §103(a) is improper and should be withdrawn.

Regarding dependent claims 2-5, 9-13, 15, 18, 19, 29-31, 33, and 34,

Under MPEP §2143.01, “If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious.” In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

Therefore, in light of the amendments to independent claim 1, the rejection of dependent claims 2-5, 9-13, 15, 18, 19, 29-31, 33, and 34 under 35 U.S.C. §103(a), which depend on claim 1 are deemed improper and are requested to be withdrawn.

#### Discussion of the rejection of claims 6-8 under 35 U.S.C. §103(a)

Claims 6-8 stand rejected as being obvious under 35 U.S.C. §103(a) over Simpson et al. in view of Zanzucchi et al. The Applicant traverses the rejection.

Claims 6-8 depend on claim 1. In light of the amendment to claim 1, the rejection is rendered moot.

Allowable Subject Matter

Claims 14, 16, 17, and 35 contain allowable subject matter. Claims 20-28, 32 and 36-43 are allowed. Claims 14, 16, 17, and 35 depend directly or indirectly from Claim 1. In light of the amendment to claim 1, claims 14, 16, 17 and 35 are deemed allowable over the applied art and thus these claims have not been rewritten independently.

Conclusion


Having amended claim 1, each objection and rejection is believed overcome and Applicant respectfully requests allowance of the pending claims. Thus, this application is deemed to be in condition for allowance based on claims 1-43.

In the event that the Examiner finds any remaining impediment to the prompt allowance of these claims that can be clarified with a telephone conference, she is respectfully requested to initiate the same with the undersigned at (925) 422-3682.

Respectfully submitted,

Dated: \_\_\_\_\_

10 / 28 / 03



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